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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEB '4 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,) RM-
FM Broadcast Stations)
(Dodge Center and Albert Lea,)
Minnesota; and St. Ansgar, Iowa))

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

LifeTalk Broadcasting Association ("LifeTalk"), by counsel and pursuant to Section 1.401 of the Commission's rules, hereby petitions the Commission to initiate a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules. In support whereof, the following is respectfully stated.

LifeTalk requests that the FM Table of Allotments be amended so as to allot Channel 235C2 to Dodge Center, Minnesota as that community's first broadcast station. LifeTalk also requests that this channel be reserved exclusively for noncommercial use. To accommodate this allotment, LifeTalk proposes that Channel 237A be substituted for Channel 235C2 at Albert Lea, Minnesota; and that vacant and unapplied-for Channel 238A at St. Ansgar, Iowa be deleted from the Table of Allotments.

The amendment to Section 73.202(b) of the Commission's rules would be as follows:

Channel No.

Community	Present	Proposed
St. Ansgar, Iowa	238A	---
Albert Lea, Minnesota	235C2, 241A	237A, 241A
Dodge Center, Minnesota	---	*235C2.

Dodge Center is an incorporated town in Dodge County, Minnesota, situated on U.S. Route 14, approximately 20 miles west of Rochester, Minnesota. The population of Dodge Center is 1,954 (according to the 1990 U.S. Census). As an incorporated town, Dodge Center is an eligible community to receive an allotment for a broadcast station.

Attachment 1 submitted herewith is an engineering exhibit which demonstrates that Channel 235C2 could be allotted to Dodge Center without creating interference with respect to any other station or allotment if Channel 237A were substituted at Albert Lea. 1/

Channel 235C2 at Albert Lea is presently occupied by station KCPI, licensed to Communications Properties, Inc ("CPI"). In an application filed on May 30, 1996 (File No. BPH-960530ID), CPI proposed to change the channel for KCPI from Channel 237A to Channel 235A. The Commission had upgraded the Albert Lea allotment to Class C2 and moved it two channels,

1/ The reference coordinates used in the engineering exhibit are the reference coordinates for the proposed community of license, Dodge Center, North Latitude 44-01-51 and West Longitude 92-51-01. The reference coordinates for the Albert Lea allotment are those of the transmitter site of KCPI, the station presently occupying the Albert Lea allotment on Channel 235C2, North Latitude 43-39-00 and West Longitude 93-22-15.

from 237 to 235, in Albert Lea, Red Wing and Stewartville, Minnesota, 3 F.C.C.Rcd. 5894 (MMB 1988).

However, in its application, CPI announced that it has abandoned its plans to upgrade KCPI. Included herewith as Attachment 2 are excerpts from CPI's application which document this announcement. The application was filed merely to change the channel for KCPI while maintaining it as a Class A station. The channel change had originally been necessary to accommodate CPI's desire to upgrade the Albert Lea allotment. Even though that plan has been abandoned, it was still necessary to change the channel for the Albert Lea allotment and the station occupying it because Channel 238A had subsequently been allotted to St. Ansgar, Iowa. See, Rochester, Minnesota and Clear Lake, Osage and St. Ansgar, Iowa, 7 F.C.C.Rcd. 6505 (MMB 1992). Channel 238A at St. Ansgar, Iowa would be short-spaced to Channel 237A at Albert Lea.

When a petitioner proposes to downgrade an allotment, the Commission generally requires a statement of consent from the station (or applicant(s)) occupying that allotment. Although LifeTalk is proposing the downgrade of the Albert Lea allotment from a Class C2 to a Class A, it would not appear to be necessary to obtain the concurrence the licensee of the station on the Albert Lea allotment, CPI, because CPI has already renounced in writing to the Commission all interest in constructing a Class C2 station on that allotment.

To accommodate the return of the Albert Lea allotment to Channel 237A, the vacant Channel 238A at St. Ansgar, Iowa must be deleted. This allotment was added to the Table of Allot-

ments in 1992. There is no existing station on this allotment and no application for this channel has ever been filed.

The public interest favors the downgrading of the Albert Lea allotment and the deletion of the St. Ansgar allotment in order to create the requested new allotment at Dodge Center. The incumbent licensee on the Albert Lea allotment has had the opportunity to upgrade KCPI since 1988, has declined to do so, and has formally advised the Commission in writing that it does not intend to modify KCPI for higher power. The allotment at St. Ansgar was created nearly five years ago -- in 1992 -- and during that time has not attracted a single applicant. The public would be well-served by eliminating these long-dormant allotments which are barriers to the development of a new Class C2 aural service at Dodge Center, which LifeTalk is ready, willing, able and eager to initiate.

To comply with Commission policy, if this Petition for Rulemaking is granted and if LifeTalk ultimately becomes the permittee of a new station on the requested allotment, LifeTalk hereby commits to reimburse CPI for the reasonable expenses which it may incur in changing the frequency for KCPI. See, Circleville, Ohio, 8 F.C.C.2d 159 (1967).

LifeTalk is a nonprofit entity and the broadcast service which it seeks to develop at Dodge Center would be noncommercial educational in nature. LifeTalk would ordinarily therefore apply for a noncommercial FM frequency. However, the reserved portion of the FM band in the vicinity of Dodge Center is severely restricted because of the existence of a nearby

Channel 6 television station, KAAL, Austin, Minnesota. The distance from Dodge Center to Austin is approximately 25 miles -- well within the range of the protected area for a Channel 6 station as provided for in Section 73.525(a) of the Commission's rules. Therefore, LifeTalk requests that Channel 235C2 at Dodge Center be designated as a reserved noncommercial channel even though it is not in that portion of the FM band below 92 MHz already reserved for noncommercial use. Under these circumstances where demand for a noncommercial channel has been demonstrated, the Commission has previously found it appropriate to allot a channel in the nonreserved portion of the FM band and to reserve it for noncommercial use. See, Romney, West Virginia, 11 F.C.C.Rcd. 12800 (MMB 1996); Butte, Montana, 9 R.C.C.Rcd. 2180 (1994); Buhl, Minnesota, 9 F.C.C.Rcd. 2606 (1994); Rochester, Minnesota, supra.

If the Commission allots Channel 235C2 to Dodge Center, LifeTalk will promptly file an application for authority to construct a new station on that channel. If LifeTalk's application is granted, it will promptly construct the new station and initiate the new service to the community of Dodge Center.

Wherefore, LifeTalk respectfully urges the Commission to promptly initiate a rulemaking proceeding to amend Section 73.202(b) of its rules in accord with the foregoing.

Respectfully submitted,

LIFETALK BROADCASTING ASSOCIATION

By: Donald E. Martin
Donald E. Martin

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Washington, D.C. 20036
(202) 887-5070

Its Attorney

February 4, 1997

ATTACHMENT 1

LIFETALK BROADCASTING ASSOCIATION
402 E YAKIMA AVE. st1320 YAKIMA WA 98901

DODGE CENTER
MN

REFERENCE

44 01 51 N
92 51 01 W

CLASS = C2
Current Spacings

DISPLAY DATES

DATA 06-28-96
SEARCH 07-09-96

----- Channel 235 - 94.9 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
AD235	AD 235A	Lake City	MN	55.09	44.5	166.0 -110.91
44 22 59	92 21 54	0.000 kW	0 M			
	Pepin Broadcasting Corporatio		RM8771	960301		
KRGR	LI 237A	Albert Lea	MN	60.87	223.6	55.0 5.87
43 38 00	93 22 15	CN 3.000 kW	91 M			
	Communications Properties, In		BLH6310	940110		
KMXK	LI 235C2	Cold Spring	MN	196.40	321.3	190.0 6.40
45 23 53	94 25 15	CN 50.000 kW	150 M			
	Gross Communications Corp. -		BLH900206KF	930512		
KSOF	LI 234A	Caledonia	MN	114.78	108.9	106.0 8.78
43 41 24	91 30 09	CN 2.100 kW	171 M			
	Sun Communications, Inc.		BLH941125KD	950420		
KSTPFM	LI 233C	St. Paul	MN	116.92	348.8	105.0 11.92
45 03 45	93 08 22	CY 100.000 kW	372 M			
	KSTP-FM, Inc.		BMLH910923KF	920526		
KCZE	LI 236A	New Hampton	IA	118.03	157.9	106.0 12.03
43 02 46	92 18 09	CN 5.500 kW	103 M			
	Mega Media, Ltd.		BLH921203KC	930617		
ALOPEN	AL 238A	St. Ansgar	IA	72.54	184.6	55.0 17.54
43 22 48	92 55 18	N 0.000 kW	0 M			
	91-103	WO= 921117		930210		
KCHKFM	LI 238A	New Prague	MN	75.75	309.5	55.0 20.75
44 27 41	93 35 08	CN 3.000 kW	100 M			
	Kingsley H. Murphy, Jr.		BLH901205KD	910923		
KGGO	LI 235C	Des Moines	IA	271.10	190.7	249.0 22.10
41 37 54	93 27 24	CN 100.000 kW	325 M			
	Stoner Broadcasting System, I		BLH840210AD	940224		
WOLXFM	LI 235B	Baraboo	WI	266.11	103.5	241.0 25.11
43 25 40	89 39 14	CN 37.000 kW	396 M			
	Shockley Communications Corpo		BLH4952	900910		
WQRB	LI 236C3	Bloomer	WI	144.19	45.7	117.0 27.19
44 55 44	91 32 31	CN 8.900 kW	166 M			
	Bloomer Broadcasting Co., Inc		BLH940113KC	940727		
KAGEFM	LI 237C3	Winona	MN	93.83	88.8	56.0 37.83
44 02 31	91 40 47	ZCN 11.000 kW	151 M			
	KAGE, Incorporated		BLH920715KA	960405		
KNOF	LI 237A	St. Paul	MN	104.65	346.7	55.0 49.65
44 56 48	93 09 26	CN 3.000 kW	76 M			
	Selby Gospel Broadcasting Cor		BLH5676	880629		
KNSG	LI 234C2	Springfield	MN	201.23	281.5	130.0 71.23
44 21 54	95 19 27	CN 50.000 kW	144 M			
	James Ingstad Broadcasting, I		BLH950711KD	951026		
KWOAFM	LI 236C1	Worthington	MN	231.59	259.9	158.0 73.59
43 37 48	95 40 32	CN 100.000 kW	198 M			
	Worthington Broadcasting Comp		BLH4646	880720		

ATTACHMENT 2

Approved by OMB
3060-0027
Expires 6/30/95

FCC 301

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20544

FOR
FCC
USE
ONLY

APPLICATION FOR CONSTRUCTION PERMIT
FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY

FILE NO. **BPH-960530 ID**

Section 1 - GENERAL INFORMATION

1. APPLICANT NAME

Communications Properties, Inc.

MAILING ADDRESS (Line 1) (Maximum 35 characters)

P.O. Box 1280

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY Dubuque	STATE OR COUNTRY (If foreign address) IA	ZIP CODE 52001
TELEPHONE NUMBER (Include area code) (319) 583-6471	CALL LETTERS KCPI	OTHER FCC IDENTIFIER (IF APPLICABLE)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 - GENERAL INFORMATION 8.

2. A. Is a fee submitted with this application?

☒ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY							
(1) <table border="1"><tr><td>M</td><td>P</td><td>R</td></tr></table>	M	P	R	<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	\$650.00	
M	P	R								
0	0	0	1							

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY							
(2) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	\$	
0	0	0	1							

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION
\$650.00

FOR FCC USE ONLY

3. This application is for: (check one box)

☐ AM

☒ FM

☐ TV

(b) Channel No. or Frequency

235

(b) Principal
Community

City
Albert Lea

State
MN



ENGINEERING STATEMENT

This Engineering Statement and the attached figures have been prepared on behalf of Communications Properties, Inc., licensee of Radio Station KCPI(FM) in Albert Lea, Minnesota, by B. Benjamin Evans of Evans Associates, Consulting Communications Engineers in Thiensville, Wisconsin, in support of an application by Communications Properties to change the channel of operation from 237A to 235A and to increase the effective radiated power from 3.0 KW to 3.5 KW.

PRELIMINARY

In the Report & Order of MM Docket 87-306, the FCC ordered a change of assignment of KCPI's license, from Channel 237A to Channel 235C2. For several years, KCPI held a construction permit to build new transmitting facilities on Channel 235C2 at a new antenna site (BPH-881122IE). That facility was never built, and the construction permit has been canceled. Communications Properties no longer desires to upgrade KCPI to Class C2 facilities. KCPI cannot remain on its present channel and transmitter site, since Channel 238A has been assigned to St. Ansgar, Iowa, and the adjacent channel spacing cannot be met.

The purpose of the instant application, therefore, is to request authority for KCPI to operate on Channel 235 as a Class A facility at its present site. On Channel 235A, KCPI would short-space co-channel Class C station KGGO in Des Moines, Iowa. Authorization pursuant to §73.215 of the FCC Rules is requested to permit this short-spacing.

PROPOSED FACILITIES

It is proposed herein to increase the ERP from 3.0 to 3.5 kilowatts. No changes will be made to the antenna-supporting structure or the antenna height, and the present transmitter has enough rated power to achieve the requested ERP level. The KCPI antenna is located on the antenna structure of co-owned AM station KATE.

Under this proposal, KCPI would short-space KGGO, Channel 235C in Des Moines, Iowa, by 3.5 kilometers (actual distance 222.5 KM, required distance 226 KM). It is requested herein to authorize the proposed KCPI facility as short-spaced under §73.215 of FCC Rules. Figure 2, attached, demonstrates that there would be no prohibited overlap of predicted field strength contours in accordance with §73.215.

CERTIFICATE OF SERVICE

I, Donald E. Martin, hereby certify this 4th day of February, 1997, that I have caused a copy of the foregoing document to be served by United States mail with first class postage prepaid upon the following:

P. T. Kelly, President
Communications Properties, Inc.
P. O. Box 1280
Dubuque, Iowa 52001


Donald E. Martin